

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ANDREW J. SALES,)	
)	
Plaintiff,)	
v.)	No. 4:25-cv-00030-SEP
)	
STATE OF MISSOURI, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

Before the Court is Plaintiff's Motion to Proceed *in Forma Pauperis*, Doc. [2], and Motion for Extension of Time to File his Amended Complaint, Doc. [8]. For the reasons set forth below, Plaintiff's motion for extension of time is granted in part, and his motion to proceed *in forma pauperis* is granted. The Court will assess an initial partial filing fee of \$3.20.

BACKGROUND

Plaintiff Andrew Sales, an inmate at Eastern Reception Diagnostic Correctional Center, filed the instant action pursuant to 42 U.S.C. § 1983. Doc. [1]. In his Complaint, Plaintiff attempts to assert multiple claims against 18 defendants, including claims for (1) deliberate indifference to his serious medical needs; (2) denial of access to courts; (3) ineffective assistance of counsel; (4) retaliation in violation of the Eighth Amendment; (5) interference with legal mail; (6) violation of his due process rights under the Fourteenth Amendment; (7) unlawful conditions of confinement in violation of the Eighth Amendment; and (8) First Amendment retaliation. *See* Docs. [1], [2-1].

Pursuant to 28 U.S.C. § 1915, the Court reviewed Plaintiff's Complaint and found that he had improperly joined multiple claims and defendants in this lawsuit in violation of Federal Rules of Civil Procedure 18 and 20. *See* Doc. [7]. Plaintiff was instructed to amend his Complaint on a Court-provided form no later than April 29, 2025. *See id.*

MOTION FOR EXTENSION OF TIME TO FILE AMENDED COMPLAINT

Plaintiff seeks an extension of time until June 8, 2025, to file his Amended Complaint. Doc. [8]. Plaintiff states that he did not receive the Order requiring him to amend his pleading until April 23, 2025. *Id.*

As leave to amend should be freely given, the Court will give Plaintiff an additional thirty (30) days to file an amended complaint on a Court-provided form. *See* Fed. R. Civ. P. 15. Plaintiff should follow the instructions set forth in the Court's April 8, 2025, Memorandum and Order when submitting his amended complaint. *See* Doc. [7].

Plaintiff is advised that the filing of an amended complaint **completely replaces** the original complaint and all previously filed pleadings. Therefore, Plaintiff must include every claim he wishes to pursue in the amended complaint against the newly named defendant(s). *See In re Wireless Tel. Fed. Cost Recovery Fees Litig.*, 396 F.3d 922, 928 (8th Cir. 2005) ("It is well-established that an amended complaint supersedes an original complaint and renders the original complaint without legal effect."). Any claims from the original complaint, supplements, and/or pleadings that are not included in the amended complaint will be deemed abandoned and will not be considered. *Id.*

MOTION TO PROCEED *IN FORMA PAUPERIS*

Pursuant to 28 U.S.C. § 1915(b)(1), a prisoner bringing a civil action *in forma pauperis* is required to pay the full amount of the filing fee. If the prisoner has insufficient funds in his or her prison account to pay the entire fee, the Court must assess and, when funds exist, collect an initial partial filing fee of 20% of the greater of (1) the average monthly deposits in the prisoner's account, or (2) the average monthly balance in the prisoner's account for the prior six-month period. § 1915(b)(1). After payment of the initial partial filing fee, the prisoner is required to make monthly payments of 20% of the preceding month's income credited to the prisoner's account. § 1915(b)(2). The agency having custody of the prisoner will forward these monthly payments to the Clerk of Court each time the amount in the prisoner's account exceeds \$10, until the filing fee is fully paid. *Id.*

Plaintiff has submitted an affidavit and a certified copy of his prison account statement for the six-month period immediately preceding the submission of his Complaint. Review of Plaintiff's account indicates an average monthly deposit of \$16.02 and an average monthly balance of \$11.80. Because Plaintiff has insufficient funds to pay the entire filing fee, the Court will assess an initial partial filing fee of \$3.20, which is 20% of his average monthly deposit. Plaintiff must pay the initial partial filing fee within thirty (30) days of the date of this Order.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion for Extension of Time to File his Amended Complaint, Doc. [8], is **GRANTED IN PART**. Plaintiff shall file an amended complaint on the Court-provided form within thirty (30) days of the date of this Order.

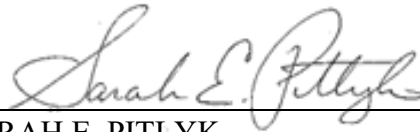
IT IS FURTHER ORDERED that the Clerk of Court shall mail to Plaintiff a copy of the Court's Prisoner Civil Rights Complaint form, as well as a copy of this Court's April 8, 2025, Memorandum and Order, Doc. [7].

IT IS FURTHER ORDERED that Plaintiff's Motion to Proceed *in Forma Pauperis*, Doc. [2], is **GRANTED**.

IT IS FINALLY ORDERED that Plaintiff shall pay an initial partial filing fee of \$3.20 within thirty (30) days of the date of this Order. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court," and to include upon it: (1) his name; (2) his prison registration number; (3) the case number; and (4) that the remittance is for an original proceeding.

Plaintiff's failure to timely comply with this Order shall result in the dismissal of this action, without prejudice and without further notice.

Dated this 5th day of May, 2025.



SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE